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C O R R E C T E D C O P Y (PARA MARKINGS)

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SUBJECT: FOREIGN MINISTER WETANGULA BRIEFS THE DIPLOMATIC CORPS

REF: NAIROBI 407 AND PREVIOUS

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¶1. (U) Summary: On March 3 Foreign Minister Moses Wetangula convened the Nairobi diplomatic corps to review developments in Kenya and highlight the accomplishments of the Coalition Government. The Coalition Government is strong, and Wetangula expects it to serve out its full term to 2012. The GOK will reintroduce legislation as soon as Parliament reconvenes in April to establish a local Special Tribunal to deal with those implicated in post-election violence. The GOK is committed to police reform, ending corruption, and implementing the reform agenda - all that is needed is implementation, said Wetangula. On piracy, Wetangula thanked those countries that have partnered with Kenya to end piracy, especially those which have deployed naval forces. The Foreign Minister briefly touched on Kenya's role in brokering peace and stability in the Democratic Republic of Congo and welcome the formation of the new Somali government. He also called for UN Reform, including two permanent Security Council seats for Africa, and he voiced support for a United States of Africa (reported Septel). End Summary.

¶2. (U) On March 3 Foreign Minister Moses Wetangula convened the Nairobi diplomatic corps to review developments in Kenya and highlight the accomplishments of the Coalition Government. Wetangula noted that in the year since the Coalition Government was formed on February 28, 2008 Kenyans and some members of the international community have passed some "harsh judgments." It is important, opined Wetangula, to look back, reflect, and also acknowledge the accomplishments: the conflicting parties agreed to and signed a national accord; formed the Coalition Government; established the positions of Prime Minister and two Deputy Prime Ministers; and enlarged the cabinet. The government is functioning well and the country is at peace. He admitted that more needs to be done to settle remaining IDPs, but noted that most people have returned home. Parliament has passed an unprecedented number of bills (18), and it has been active in oversight.

¶3. (U) The government has embarked on the reforms as laid out in the "Agenda 4" section of the agreement negotiated through the Kofi Annan-led process. The government established the Waki and Kriegler Commissions to look into post-election violence and electoral reforms. They completed their work

and the government accepted their reports. "What is left is implementation," said Wetangula.

¶14. (U) The Electoral Commission (ECK) has been disbanded, consistent with the Kriegler Report recommendations, and the government and parliament are in the process of creating an Independent Interim Electoral Commission (IIEC). Wetangula described this as &a major milestone8 but noted that Parliament had delayed the process by rejecting the government's proposal to nominate five non-political professionals to manage the IIEC's work, which will include compiling a totally new voter registration list (the one used in the December 2007 elections is hopelessly flawed) and conducting the nationwide referendum on a new constitution. Instead, the Parliament insisted on an eight-member IIEC, with a representative from each of the provinces (read: major ethnic groups) and a chairman. Parliament rejected the government's proposed chairman for partisan political reasons. Wetangula said the government would meet on March 24 "to get the selection process back on track."

¶15. (U) Wetangula cautioned that the delay in constituting the IIEC may also delay the timing of the constitutional referendum. The government's original plan, to which they are still hoping to adhere, is for the referendum to be held in November 2009. But the three month delay in setting up the IIEC could lead to slippage in the referendum date. Wetangula was optimistic that the referendum would be conducted by late 2009 or early 2010. If it were delayed much beyond June 2010 it would be unlikely to be held at all since attention will be fully focused on preparing (and campaigning) for the 2012 presidential and parliamentary elections.

¶16. (U) Wetangula blamed Parliament for the failure to establish a Special Tribunal to deal with those implicated in post-election violence. The government did its part, said

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Wetangula, and it fully respects the prerogatives of Parliament to consider and pass legislation -- "it's not a rubber stamp Parliament." He assured the diplomatic community that the government would resubmit the required legislation "to anchor and protect" a Special Tribunal as soon as Parliament reconvenes in April, and that outside legal opinions and the views of civil society will be taken into account.

Police Reform

¶17. (U) Again he blamed Parliament for delaying the timeline for police reform, pointing out that the President and Prime Minister signed the agreement to implement the Waki report and they are committed to police reform. He stated that this commitment was evidenced by the creation of an independent police commission in October. (Note: This Commission predates the Waki Report and is largely toothless. In his preliminary report the UN Special Rapporteur on Extrajudicial Killings (the Special Rapporteur) noted that this commission had neither staff nor funding. End Note) Kenya is one of the least policed countries in the world, he declared, and he said "we know we need to increase the numbers and make the police more user-friendly." The result of too few police is that the police are under tremendous pressure, and when operating under such pressure there are bound to be mistakes.

The government is committed, therefore, to increase the number of police and provide for their training and professional development. "We are on course," he said, and he welcomed donor support.

¶18. (U) Wetangula criticized the February 26 statement of the UN Rapporteur for Extrajudicial Killings on extrajudicial killings in Kenya. Alston did not say anything new, he said -- the Waki Commission has called for reform of the police, and the Minister of Internal Security and Provincial Administration, on the floor of Parliament, has committed the

government to fighting extrajudicial killings. The government, then, is on record as being against extrajudicial killings and has acted against all armed militias, according to Wetangula. He said people are reacting to only a press statement, since the report has not yet been released, and a press statement is a "non-report." When the report of the UN Special Rapporteur on Extrajudicial Killings does come out, he said, the GOK will act on it and comment appropriately. The government has a full open door policy, and Wetangula asked that "certain things" be conveyed privately rather than be "pronounced from the roof tops."

¶ 9. (U) With regard to other Agenda 4 items -- such as land reform, addressing the needs of youth, ethnic relations, devolution of power, the structure of the government and judiciary, and parliamentary oversight -- "all of these are on course," said Wetangula. Wetangula said the government is "fully committed to fight corruption in all its forms." However, he said corruption is very difficult to fight, and he offered no examples of concrete actions the government has taken against corruption. He sought to assure the diplomatic community that there are "no red flags" on the issue of reform, and the government's commitment on reform is clear. He firmly declared that the coalition government will serve its full term to 2012.

Comment

¶ 10. (SBU) Wetangula's presentation to the diplomatic community was generally upbeat, although he was defensive and evasive in his answers to requests from several heads of mission for more details on what the government was doing to address corruption, extrajudicial killings, and police reform, and to requests to speed up implementation of the reform agenda.
RANNEBERGER